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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 001238

SIPDIS

AF/S FOR B. NEULING
SENIOR AFRICA DIRECTOR C. COURVILLE

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SUBJECT: CONSTITUTIONAL AMENDMENTS SAIL THROUGH PARLIAMENT

REF: HARARE 001156

Classified By: Ambassador Christopher Dell for reasons 1.5 b/d

Summary

1. (C) Parliament passed the Constitution of Zimbabwe Amendment (17) Bill on August 30 by a vote of 103 to 29. The immediate impact of the 17th revision to the 1979 Lancaster House constitution will be: to cement the GOZ's acquisition of commercial farmland; to grant the government authority to revoke the passports of opponents; and to recreate a 66-member Senate. According to critics, the amendments strengthen ZANU-PF's hand against the opposition and provide an opportunity for the GOZ to expand its patronage network. End Summary

Amendments Breeze Through

2. (U) Parliament on August 30 approved the much-anticipated Constitution of Zimbabwe Amendment (17) Bill, after three readings (reftel). The GOZ assembled 103 votes in favor of the amendments, surpassing the constitutional requirement that two-thirds of the 150-member body vote affirmatively. Meanwhile, the 28 MDC legislators who were present in parliament for the vote, plus Independent MP Jonathan Moyo voted against. After the bill's passage, ZANU-PF MPs broke into song and dance, chanting &ZANU-PF has won.8 The bill now awaits Mugabe's signature.

Immediate Impact: Undercutting Economy, Opponents(

3. (C) The most controversial amendment grants title to the government of all farmland acquired in the past under the land reform program and any land that may be acquired in the future as of the date that the land is gazetted. It also removes the right of landowners whose land has been acquired to challenge the acquisition in court. Landowners, only remaining judicial recourse is to the administrative court to challenge compensation to be paid for their improvements to the land, not for the land itself. To implement the new arrangement, the GOZ has announced its intention to issue 99-year leases that can be inherited but not otherwise transferred without government permission, but these long-term leases are not provided for in the constitution.

4. (C) The constitutional amendment also grants the GOZ the ability to confiscate the passport of any Zimbabwean if the government suspects they have the intent to engage in activities detrimental to &the national interest.8 In a thinly veiled reference to MDC leaders, Legal and Parliamentary Affairs Minister Patrick Chinamasa told reporters after the bill's passage it was unpatriotic for Zimbabweans to travel the world on a Zimbabwean passport asking for a military invasion or the imposition of sanctions. MDC legislator Priscilla Misihairabwi-Mushonga, who represents the Glen Norah district in Harare, told poloff on August 31 that she expected she and other MDC legislators would have their passports revoked should they attempt to travel abroad. Misihairabwi-Mushonga said that the amendment was deliberately vague, granting the GOZ wide powers to intimidate opponents. (N.B. We understand the potential restraint on travel of its citizens may bring the GOZ into conflict with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.)

(Widening Patronage System With &Useless8 Senate

5. (C) The constitutional amendment also reintroduces a 66-member Senate, a body which staffers of SUNY's parliamentary program in Zimbabwe told the Ambassador on August 31 has no apparent function but to enlarge the GOZ's opportunities for favoritism. The staffers reported that the Senate had no power of veto. Although Senators have the authority to propose legislation, the staffers speculated

that, as with the existing Parliament, virtually all bills would originate from the executive branch. ZANU-PF legislator and member of parliament, s budget committee Charles Majange, who represents Chivi South in Masvingo, told poloff on August 31 that planning for Senate elections had already begun but that the government had yet to allocate adequate funding to set up the new body. A visit to the parliament building revealed that even basic considerations, such as office space in the already cramped building, had yet to be contemplated.

Comment

16. (C) Designed to remove the final obstacle to GOZ land reform, the nationalization of farmland and squelching of judicial appeal in land cases will clear a huge backlog of pending litigation over past land acquisitions. The GOZ, however, may find a tougher row to hoe ahead. First, it will be under considerable pressure now to finalize allocations under land reform, which will likely intensify intraparty fights already growing over land claims. With national land ownership, ZANU-PF cadres may soon see land being taken and allocated only to be reallocated again and again as individuals fall out of favor with the party hierarchy. Moreover, the party has sold these measures as empowering the new farmer. Without transferable title, though, the new farmers will find capital still inaccessible, leaving them dependent as ever on the bankrupt GOZ and its mismanaged command and control measures for inputs. Indeed, GOZ propaganda characterizing these measures as the last chapter on land reform will not stem wide disenchantment with the ruling party's management of land reform. Ironically, having consciously pursued the land-related amendments to bolster party patronage, these provisions may soon magnify the patronage system's growing weakness and drive new wedges into the party.

DELL